APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,224	03/01/2002	Ajay Kumar	5681-12100	6928

7590 04/05/2006	EXAMINER
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ART UNIT	PAPER NUMBER
2142	

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DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/087,224	KUMAR ET AL.
	Examiner	Art Unit
	Kelvin Lin	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 December 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11/10/05*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Detailed Action

Response to Arguments

1.   Applicant's arguments with respect to claims 1-26 have been considered but they

are not persuasive.

2.   Applicant argues that Everdell fails to disclose a first node of a distributed store

comprising a primary state of session data configured for access by a plurality of

application servers, wherein the session data comprises a plurality of attributes.

The Office respectively disagrees.

Everdell discloses that a configuration relational database within each network

device and an NMS relational database external the network device (Everdell, [0125]).

The NMSs are used to configure and management multiple heterogeneous and/or

homogeneous network   devices. To configure a network device, the network

administrator may connect a cable to a port of a network device and then use the NMS

to provision these as well (Everdell, [0121]). Therefore, the network relational database

is an first node comprising a primary state of session (connection) data configuration for

access by a plurality of application servers (fig. 2a). In term of session data attributes,

the NMS server retrieves metadata from class table (Fig. 11w, element NMS database

1020). The metadata includes a list of simple attributes including host address, port

address etc.. are used for the connection (Everdell, [0347], [0350]).

3.   Applicant argues that Everdell fails to disclose another node comprising a back-

up instance of the primary state of the session data.

The Office respectively disagrees.

Everdell discloses that the network device may include a backup configuration database 42' maintained by a separate, backup centralized processor card. Any changes to configuration database 42 are replicated to backup configuration database 42' (Everdell, [0128]). Therefore, Everdell does discloses another node comprising a backup instance of the primary state of the session data.

4.   Applicant argues that Everdell fails to disclose comparing the primary state to a benchmark of the primary state to generate of a subset of attributes of the session data that have been modified from the primary state.

The Office respectively disagrees.

Everdell discloses that the network device keep track of important statistics including average client/server response times and response times to each network device. By looking at these statistics the network administrator tune the NMS to provide better overall management service.(Everdell, [0134]). And the code generation system provides data consistency across processes, centralized tuning and an abstraction of embedded configuration and NMS database (Everdell, [0166]). Therefore, Everdell discloses comparing the primary state to a statistic performance data and the code generation system generated the tuning code of embedded configuration of the primary state.

5.   Applicant argues that Everdell fails to disclose the synchronization of the backup instance of the primary state with the primary state using the subset of the attributes of the session data.

The Office respectively disagrees.

Everdell discloses that the maintaining a primary or master repository of data within each network device ensure that the NMS and network device are always synchronized with respect to the state of the configuration. Replicating changes made to the primary database within the network device to any secondary data repositories, for example, NMS database, ensure that all secondary data sources are quickly updated and remain in lockstep synchronization. Moreover, data from the master embedded database can be uploaded daily or hourly (Everdell, [0126], [0127]).

Response to Amended Claims

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-26 are rejected under 35 USC 102(e) as being anticipated by Everdell et al., (US PG Pub. No. 2002/0165961).

8.   Regarding claim 1, Everdell teaches a system, comprising:

- a first node of a distributed store comprising a primary state of

  session data configured for access by a plurality of application

  servers, wherein the session data comprises a plurality of attributes

  (Everdell, [0121], [0125], in which discloses that a configuration

  relational database within each network device and an NMS

  relational database external the network device.

  The NMSs are used to configure and management multiple

  heterogeneous and/or homogeneous network devices. To

  configure a network device, the network administrator may

  connect a cable to a port of a network device and then use the

  NMS to provision these as well; In term of session data

  attributes, the NMS server retrieves metadata from class table

  (Fig. 11w, element NMS database 1020). The metadata includes

  a list of simple attributes including host address, port address

  etc.. are used for the connection (Everdell, [0347], [0350]).).

- another node comprising a back-up instance of the primary state

  (Everdell discloses that the network device may include a backup

  configuration database 42' maintained by a separate, backup

  centralized processor card. Any changes to configuration database

  42 are replicated to backup configuration database 42' (Everdell,

  [0128]). Therefore, Everdell does discloses another node

comprising a backup instance of the primary state of the session
data);

wherein the system is configured to:

- compare the primary state to a benchmark of the primary state to
  generate a subset of the attributes of the session data that have
  been modified in the primary state (Everdell discloses that the
  network device keep track of important statistics including average
  client/server response times and response times to each network
  device. By looking at these statistics the network administrator tune
  the NMS to provide better overall management service.(Everdell,
  [0134]). And the code generation system provides data consistency
  across processes, centralized tuning and an abstraction of
  embedded configuration and NMS database (Everdell, [0166]));

and

- synchronize the back-up instance of the primary state with the
  primary state using the subset of the attributes of the session data
  (Everdell discloses that the maintaining a primary or master
  repository of data within each network device ensure that the NMS
  and network device are always synchronized with respect to the
  state of the configuration. Replicating changes made to the primary
  database within the network device to any secondary data
  repositories, for example, NMS database, ensure that all secondary

data sources are quickly updated and remain in lockstep

synchronization. Moreover, data from the master embedded

database can be uploaded daily or hourly (Everdell, [0126], [0127]).

9.   Regarding claim 2, Everdell further discloses a system as recited in claim 1,

wherein, to compare the primary state to the benchmark of the primary state, the

system is further configured to perform binary differencing of a binary

representation of the primary state and a binary representation of the benchmark

of the primary state to determine the modified attributes (Everdell, [0566],in which

the comparison of the connection table (connected/disconnected) corresponds

to the binary differencing of binary representation).

10.   Regarding claim 3, Everdell further discloses a system as recited in claim 2,

wherein, to perform binary differencing, one or more portions of the binary

representation of the primary state are compared to corresponding portions of

the binary representation of the benchmark of the primary state to determine the

modified attributes (Everdell, [0566], compare of the ATM connection table and

device driver connection table and updates the ATM table since ATM application

is a distributed application corresponds to the benchmark and primary attributes)

11.   Regarding claim 4, Everdell further discloses a system as recited in claim 1,

wherein, to compare the primary state to a benchmark of the primary state, the

system is further configured to perform object graph differencing of an object

graph representation of the primary state and an object graph representation of

the benchmark of the primary state to determine the modified attributes (Everdell,

[0355], in which the NMS server sent to NMS client corresponds to the primary

state is performed in object graph presentation, also, [0918], in which the

threshold evaluation for resource attribute, and hardware resource corresponds to

the comparison of primary and benchmark attribute in the object graph

differencing form)

12.   Regarding claim 5, Everdell further discloses the system as recited in claim 4,

wherein the attributes comprise objects organized according to an object graph

representation, wherein, to perform object graph differencing, one or more objects in the

object graph representation of the primary state are compared to corresponding

instances of objects in an object graph representation of the benchmark of the primary

state to identify the modified attributes of the primary state (Everdell , [0918]-[0919],

[0924], in which the threshold dialog box includes many elements and user may accept

the default value or select value from corresponding menus, NMS client may add new

rules to pull-down menu corresponds to the compare and modify attributes of primary

state).

13.   Regarding claim 6, Everdell further discloses a system as recited in claim 1,

         wherein the another node comprising a back-up instance of the primary state is

         another node of the distributed store (Everdell, [0457], and [0462], in which the

         second connection (back-up link) which derived from the first provisioning

         corresponds to the another node of the distributed store).

14.   Regarding claim 7, claiming for the system in addition with mutable attributes of

the session data (Everdell, [0202], [0489], I.9-15, [0552], in which the changes of

configuration parameter and evaluation parameter corresponds to the mutable

attributes of the session data) has similar limitation as claim 1. Therefore, Claim

7 is rejected for the same reasons set forth in the rejection of claim 1.

15.   Regarding claims 8-10 have similar limitation as claims 2-4. Therefore, Claims

8-10 are rejected for the same reasons set forth in the rejection of claims 2-4.

16.   Regarding claim 11, claiming for the system with another instance of primary

state using means of function (Everdell discloses that the maintaining a primary

or master repository of data within each network device ensure that the NMS and

network device are always synchronized with respect to the state of the

configuration. Replicating changes made to the primary database within the

network device to any secondary data repositories, for example, NMS database,

ensure that all secondary data sources are quickly updated and remain in lockstep

synchronization. Moreover, data from the master embedded database can be

uploaded daily or hourly (Everdell, [0126], [0127) has similar limitation as claim 1.

Therefore, Claim 11 is rejected for the same reasons set forth in the rejection of

claim 1.

17.   Regarding claims 12-14 have similar limitation as claims 2-4. Therefore, Claims

12-14 are rejected for the same reasons set forth in the rejection of claims 2-4.

18.   Regarding claims 15-20 have similar limitation as claims 1-6. Therefore, Claims

15-20 are rejected for the same reasons set forth in the rejection of claims 1-6.

19.   Regarding claims 21-26 have similar limitation as claims 1-6. Therefore, Claims
15-20 are rejected for the same reasons set forth in the rejection of claims 1-6.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time
policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first replay is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE MONTH shortened statutory period, then the
shortened statutory period will expire on the date advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
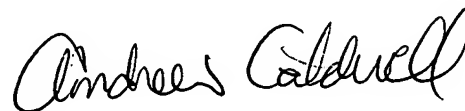than SIX MONTH from the date of this final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898.
The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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03/29/06
KYL

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER